

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">27-12-06</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">3</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
<p>Authority/References</p> <p>KRS 196.030, 196.035, 439.470, 439.080 <u>P&P</u> ACA 3-3022, 3-3179</p>	<p>Subject</p> <p style="text-align: center;">GRIEVANCE PROCEDURES FOR OFFENDERS</p>	

I. DEFINITION

“GRIEVANCE” means a complaint concerning the application of written policy and procedure or any behavior or action toward the offender by a staff member.

II. POLICY and PROCEDURE

All probationers, parolees, and offender’s placed on pre-trial diversion and conditional discharge shall be informed of the grievance procedure at the time of the initial interview. There shall be no retaliation against an offender for filing a grievance.

A. The grievance process shall be explained to an offender by the Probation and Parole officer (officer) during the initial interview. A written explanation of the grievance process shall be made available upon request. (3-3179)

B. The following process shall be used in all cases involving an offender grievance (3-3022):

1. The offender shall state the grievance in writing to the officer. The officer shall meet with the offender within five (5) working days after having been made aware of the grievance and attempt to resolve the complaint. The attempt at resolution shall be documented by the officer on the offender grievance document. A copy of the grievance document shall be made available to the offender within five (5) working days after the meeting concerning the grievance complaint.
2. If the matter cannot be resolved, the officer shall place a check mark beside “District Supervisor” on the offender grievance document and ask the offender to sign and date the document. The officer shall forward the document within two (2) working days to the District Supervisor, who shall indicate receipt on the document.
3. The District Supervisor shall give the officer fair opportunity to respond to the allegations of the grievance and may conduct, at the District Supervisor’s discretion, a formal or informal hearing on the matter. Any

Policy Number	Effective Date	Page
27-12-06	May 26, 2005	2

hearing shall be scheduled at a time and place that permits the offender to attend. The District Supervisor shall notify the offender in writing of the time, place and subject of the hearing not less than ten (10) working days prior to the time scheduled for the hearing. At the hearing, both the offender and the officer may call witnesses and present documentation and proof relative to the grievance at issue. In all cases, the District Supervisor shall make a ruling in writing on the grievance document not later than twenty (20) working days after first receiving the grievance. The District Supervisor shall forward a copy of the decision clearly stating the reason for the decision to the officer and the offender.

4. If the offender is not satisfied with the District Supervisor's decision, the offender shall inform the officer within five (5) working days after receipt of the decision. In this case, the officer shall place a check mark beside "Assistant Director of Probation and Parole" on the grievance document and ask the offender to sign and date the document. The officer shall forward, within two (2) working days the grievance document and all pertinent documentation, including any additional statement by the offender, to the Assistant Director of Probation and Parole who shall indicate receipt on the document. If the offender does not properly object to the District Supervisor's decision within the five (5) working day period, the offender shall be deemed to have waived any right to further review of the grievance and the District Supervisor's decision shall be final.
 5. The Assistant Director of Probation and Parole or his designee shall review the grievance and make a decision within ten (10) working days after receiving the grievance. The Assistant Director shall be allowed an additional ten (10) days in which to make a decision, if the Assistant Director or his designee elects to conduct a hearing. Within two (2) working days after making a decision, the Assistant Director or his designee shall forward a copy of the decision, stating the reason for the decision to the officer, the District Supervisor and offender. The decision of the Assistant Director or his designee shall be final.
 6. The officer shall maintain in the case folder a copy of each grievance filed and a copy of each decision made in the grievance procedure.
- C. If at any stage the offender's grievance is found to have merit, the District Supervisor or designee shall ensure that the object of the grievance is corrected immediately, provided it is within the scope of the supervisor's authority to correct the situation.
- D. Grievable and Non-grievable Matters

Policy Number	Effective Date	Page
27-12-06	May 26, 2005	3

1. Grievable
 - a. Abusive and distasteful language directed specifically at the offender or the offender's family
 - b. Denial of the rights of the offender as enumerated by policy or mandated by statute
 - c. Sexual abuse or harassment
 - d. Denial of equal access to programs
 - e. Conflict of interest
 2. Non-Grievable matters (as defined in the Corrections' Code of Ethics and Personnel regulations)
 - a. Orders of the releasing authority and standard conditions of supervision
 - b. Warrants for revocation of supervision
 - c. Program referrals, like reporting for psychological counseling or attending substance abuse counseling, which are relevant to the needs of the offender
 - d. Final decisions concerning prior grievances
- E. The Assistant Director of Probation and Parole or District Supervisor, may appoint a designee to carry out the specified duties. Any action taken by the designee shall hold the same authority as if made by the respective designator.
- F. The Assistant Director of Probation and Parole or designee shall establish a method for maintaining records of all grievances submitted and shall review the information on a regular basis for the purpose of remaining aware of the issues involved in the grievance.